

IN THE SENATE

SENATE BILL NO. 1097

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JUDGMENT; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2516, IDAHO CODE, TO PROVIDE THAT THE COURT SHALL ORDER A DEFENDANT TO PAY AN AMOUNT OF THE COST OF CONDUCTING A COURT ORDERED PRESENTENCE INVESTIGATION AND PREPARING THE PRESENTENCE INVESTIGATION REPORT, TO PROVIDE THAT THE DEPARTMENT OF CORRECTION SHALL DETERMINE SUCH AMOUNT, TO PROVIDE THAT SUCH AMOUNT SHALL BE BASED ON THE DEFENDANT'S ABILITY TO PAY, TO PROVIDE FACTORS THE DEPARTMENT OF CORRECTION MAY CONSIDER IN DETERMINING A DEFENDANT'S ABILITY TO PAY, TO PROVIDE THAT PAYMENTS OF SUCH AMOUNTS SHALL BE MADE TO THE DEPARTMENT OF CORRECTION, TO PROVIDE THAT SUCH PAYMENTS WILL BE PLACED IN THE PROBATION AND PAROLE RECEIPTS ACCOUNT AND TO PROVIDE THAT MONEYS IN SUCH ACCOUNT MAY BE EXPENDED ONLY AFTER APPROPRIATION BY THE LEGISLATURE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2516, Idaho Code, and to read as follows:

19-2516. COST OF PRESENTENCE INVESTIGATION. If a court orders a presentence investigation to be conducted, the court shall order the defendant to pay an amount to be determined by the department of correction, not to exceed one hundred dollars (\$100), of the cost of conducting the presentence investigation and preparing the presentence investigation report. Such court orders shall be included in the judgment. Any such amount to be paid by the defendant shall be determined by the department of correction and shall be based on the defendant's ability to pay. In determining a defendant's ability to pay, the department of correction may consider such factors as the defendant's income, property owned, outstanding obligations and the number and ages of dependents. Such payments shall be made to the department of correction and will be placed in the probation and parole receipts account created pursuant to section 20-225A, Idaho Code, and utilized as reimbursement for the cost of conducting the presentence investigation and preparing the presentence investigation report. Moneys in the probation and parole receipts account may be expended only after appropriation by the legislature.